

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TOBY G. BREON,	:	CIVIL ACTION NO. 1:06-CV-2204
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
WAYPOINT INSURANCE GROUP, INC., et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 30th day of March, 2007, upon consideration of plaintiff's request (Doc. 23), asking the court to delay consideration of defendants' motion for summary judgment (Doc. 19) pending a period of discovery, and it appearing that the request is accompanied by an affidavit (Doc. 26-2) which is sufficient to establish that plaintiff cannot "present . . . facts essential to justify [plaintiff's] opposition" without first conducting pretrial discovery, see FED. R. CIV. P. 56(f); see also Dowling v. City of Phila., 855 F.2d 136, 139-40 (3d Cir. 1998) ("This court has interpreted Rule 56(f) as imposing a requirement that a party seeking further discovery in response to a summary judgment motion submit an affidavit specifying, for example, what particular information is sought; how, if uncovered, it would preclude summary judgment; and why it has not previously been obtained."), it is hereby ORDERED that:

1. Plaintiff's request (Doc. 23) is CONSTRUED as a motion for continuance and is GRANTED as so construed.

2. Plaintiff shall respond to defendants' motion for summary judgment (Doc. 19) in accordance with Local Rule 56.1 on or before Friday, June 8, 2007. (See Doc. 18 (establishing a pretrial discovery deadline of Friday, June 1, 2007)).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge